

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ABDUL RASHID ISAAC,

Petitioner,

v.

DENNIS BROWN,

Respondent.

Case No. CV410-071

REPORT AND RECOMMENDATION

A Bibb County, Georgia Superior Court jury convicted Abdul Rashid Isaac of “armed robbery, kidnapping, and kidnapping with bodily injury.” *Isaac v. State* 275 Ga. App. 254, 254 (2005). He unsuccessfully appealed, *id.*, unsuccessfully sought state habeas relief, doc. 1 at 3, and now petitions this Court for habeas relief under 28 U.S.C. § 2241. Doc. 1. In that respect, the form petition he filed here omits critical information -- the date of the state habeas court’s disposition. *See id.* at 4.

Ordinarily, the Court would require him to correct that omission and show why 28 U.S.C. § 2254, as opposed to § 2241, is not the proper remedy for him to invoke. But while 28 U.S.C. § 2241(d) confers

concurrent jurisdiction upon the districts of confinement and conviction, the longstanding practice in the federal district courts in this State is to transfer petitions to the district of conviction. *Eagle v. Linahan*, 279 F.3d 926, 933 n. 9 (11th Cir. 2001); *Woods v. United States*, 2008 WL 2357694 at * 3 n. 5 (N.D. Fla. June 5, 2008); *see also* 28 U.S.C. § 1406(a) (permitting a district court to transfer a case “laying venue in the wrong division” to “any district or division in which it could have been brought.”). Accordingly, Isaac’s petition (hence, this case) should be **TRANSFERRED** to the Middle District of Georgia.

SO REPORTED AND RECOMMENDED this 24th day of May, 2010.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA